

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
6300 (NV-930) P

April 1, 2004

EMS TRANSMISSION 04/01/04  
Instruction Memorandum No. NV-2004-043  
Expires: 9/30/05

To: Field Managers, Nevada  
Field Managers, Eagle Lake and Surprise Field Offices, California

From: State Director, Nevada

Subject: Public Notification of Proposed Actions and Unauthorized Activities Within  
Wilderness and Wilderness Study Areas in Nevada

This instruction memorandum (IM) updates IM No. NV-98-010 dated January 16, 1998, which pertained to the public notification procedure for proposed actions and unauthorized activities within Wilderness Study Areas (WSAs) in Nevada. This IM includes a public notification procedure for designated Wilderness Areas and also provides clarification on the general guidance found in Chapter II of the *Interim Management Policy For Lands Under Wilderness Review* (H-8550-1) dated July 5, 1995.

Due to the level of interest in the management of lands designated as Wilderness and WSAs, the Secretary is committed to ensuring that all affected and interested publics are fully informed of any proposed actions and unauthorized activities occurring in these areas on BLM-administered public lands. BLM Manual 8560, *Management of Designated Wilderness Areas*, directs in Section .04 C.5. that it is the responsibility of the Field Manager to "maintain liaison with other Government agencies, wilderness users, and other organizations concerned with wilderness preservation in the District [i.e., Field Office jurisdiction]." The Interim Management Policy (IMP) states, "All offices must notify interested parties of proposed actions on land within their jurisdiction that are managed under the IMP before such actions can be approved [emphasis added]."

Proposed actions and unauthorized activities within designated Wilderness Areas subject to the public notification procedure outlined in Attachment 1 of this IM include, but are not limited to, those actions and activities that:

- May involve one or more of the prohibited uses identified in Section 4 (c) of the Wilderness Act of 1964 (i.e., commercial enterprises, permanent roads, temporary roads, use of motor vehicles, motorized equipment, or motorboats, landing of aircraft, mechanical transportation, structures, and installations);

- May potentially disturb the surface of the landscape (i.e., any new disruption of the soil or vegetation);
- Entail the use of pesticides or other chemical or toxic substances;
- Include the manipulation of fish and wildlife habitat;
- Concern mechanical and/or motorized control measures for predators or problem fish or wildlife species;
- Relate to requests for approval of mining plans of operation under 43 CFR 3809;
- Pertain to proposed changes in livestock use, including changes in number, season of use, or kinds or classes of livestock;
- Are BLM-initiated, including implementation of decisions contained in land use and activity plans;
- Are public-initiated, such as water development requests or desires for hunting/fishing guide/outfitter permits;
- Are unauthorized and may result in surface disturbances or in placement of facilities.

Proposed actions and unauthorized activities within WSAs subject to the public notification procedure outlined in Attachment 1 of this IM include, but are not limited to, those actions and activities that:

- May be a potential surface-disturbing project or use;
- May result in the proposed placement of a facility, development, device or structure;
- Relate to requests for approval of mining plans of operation under 43 CFR 3802;
- Pertain to proposed changes in livestock use, including changes in number, season of use, or kinds or classes of livestock;
- Are BLM-initiated projects, including implementation of decisions contained in land use and activity plans;
- Are public-initiated projects such as issuance of a filming permit or placement of a communication device;
- Are unauthorized and may result in surface disturbances or in placement of facilities.

Item 12 of Attachment 1 relates to informing our interested and affected publics of the disposition of our proposed action and unauthorized activity decisions within Wilderness and WSAs in Nevada. Washington Office IM No. 94-07 dated October 4, 1993 (Attachment 2) contains standard appeal language for appealing lands decisions to the Interior Board of Land Appeals and the standards for obtaining a “Petition For Stay.” This standard appeal language must be attached to all decision notifications. Form 1842-1, entitled, “Information on Taking Appeals to the Board of Land Appeals” (Attachment 3), revised July 1999, is provided as well and must also be attached to decision notifications.

Public participation in the notification process is critically important and managers must clearly weigh public opinion. However, Nevada BLM management and staff alike are obliged to decide the acceptability or unacceptability of proposed actions and unauthorized activities within designated Wilderness Areas and WSAs based on existing Wilderness law, regulation, policy, and procedure. We must not make decisions on the basis of the popularity of a proposed action, the number of persons or organizations for or against the proposal, or the perceived disinterest due to a limited response from the public to the public notification. Ultimately, our objective

must be to preserve, protect, and enhance Wilderness values in Wilderness Areas for future generations of Americans. Correspondingly, our objective must also be to preserve, protect, and enhance Wilderness values within WSAs, so as not to impair the suitability of such areas for eventual Wilderness designation, thereby avoiding any constraint or pre-emption of Congressional designation authority.

Please contact Steve Smith, Wilderness Coordinator in the State Office, (775) 861-6477, with any questions or concerns regarding this IM or the attachments.

Signed by:  
Robert V. Abbey  
State Director, Nevada

Authenticated by:  
Florence Kopec  
Staff Assistant

### 3 Attachments

1. Public Notification Procedure (3 pp)
2. WO IM No. 94-07 (2 pp)
3. Form 1842-1 (2 pp)

### Distribution

Director (170) - 3 - Room 5639, MIB (Attn.: Geoff Middaugh, Jeff Jarvis, Gary Pavcek) w/attach.  
SD, California - 1 - (Attn.: Paul Brink) w/attach.